

Brian J. Stretch, SBN 163973
bstretch@sidley.com
Naomi Igra, SBN 269095
naomi.igra@sidley.com
SIDLEY AUSTIN LLP
555 California Street, Suite 2000
San Francisco, CA 94104
Telephone: +1 415 772 1200
Facsimile: +1 415 772 7400

Jesse Bless (*pro hac vice*)
jbless@aila.org
AMERICAN IMMIGRATION LAWYERS
ASSOCIATION
1331 G Street, Suite 300
Washington, D.C. 20005

John L. Gibbons, SBN 317720
jgibbons@sidley.com
SIDLEY AUSTIN LLP
1501 K Street NW
Washington, D.C. 20005

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IMMIGRANT LEGAL RESOURCE CENTER;
EAST BAY SANCTUARY COVENANT;
COALITION FOR HUMANE IMMIGRANT
RIGHTS; CATHOLIC LEGAL IMMIGRATION
NETWORK, INC.; INTERNATIONAL RESCUE
COMMITTEE; ONEAMERICA; ASIAN
COUNSELING AND REFERRAL SERVICE;
ILLINOIS COALITION FOR IMMIGRANT
AND REFUGEE RIGHTS,

Plaintiffs,

v.

ALEJANDRO N. MAYORKAS, *under the title of*
Secretary of Homeland Security;
U.S. DEPARTMENT OF HOMELAND
SECURITY; UR M. JADDOU, *under the title of*
Director; U.S. CITIZENSHIP &
IMMIGRATION SERVICES,

Defendants.

Case No. 4:20-cv-5883-JSW

**JOINT STATUS REPORT AND
STIPULATED REQUEST TO CONTINUE
ABEYANCE**

JURY TRIAL DEMANDED

1 Subject to the Court's approval and pursuant to Local Rule 7-12, the parties through their
2 undersigned counsel of record hereby stipulate and request as follows:

3 1. On February 10, 2021, the Court ordered that the case be "stayed, and all proceedings
4 held in abeyance, to allow defendant the Secretary of Homeland Security to undertake the review
5 contemplated by Executive Order 14,012, "Restoring Faith in Our Legal Immigration Systems and
6 Strengthening Integration and Inclusion Efforts for New Americans," 86 Fed. Reg. 8,277 (Feb. 5,
7 2021), signed by the President on February 2, 2021." Dkt. 113, at 4. The Court further ordered that
8 "on or before May 13, 2021, the parties shall file a joint status report indicating whether this case
9 and all proceedings should continue to be held in abeyance or proposing a schedule for continuing
10 the litigation." *Id.* On May 15, 2021, the Court entered an order approving the parties' joint request
11 to hold this case and all proceedings in abeyance. Dkt. 117, at 4. The Court further ordered that "on
12 or before September 10, 2021, the parties shall file a joint status report indicating whether this case
13 and all proceedings should continue to be held in abeyance or proposing a schedule for continuing
14 the litigation." *Id.*

15 2. The Spring 2021 Unified Agenda (UA) entry for this rulemaking listed a November
16 2021 target date for a notice of proposed rulemaking (NPRM) that would rescind and replace the
17 changes made by the August 3, 2020 rule at issue and establish new USCIS fees. At this time, the
18 agency has not confirmed a target date for issuing the contemplated NPRM, but expects that when
19 the Fall 2021 UA is published, it will contain an updated target date for the contemplated NPRM.

20 3. For these reasons, the parties request that the Court continue to hold this case and all
21 proceedings in abeyance. Furthermore, the parties request that they be permitted to file a joint status
22 report by the earlier of January 14, 2022, or within two weeks of defendants either publishing in the
23 Federal Register a notice of proposed rulemaking regarding a proposed new fee rule or advising
24 plaintiffs that defendants have determined not to propose a new fee rule, indicating whether this case
25 and all proceedings should continue to be held in abeyance or proposing a scheduling for continuing
26 the litigation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

Dated: September 9, 2021

/s/ Brian J. Stretch
Brian J. Stretch
SIDLEY AUSTIN LLP
Attorney for Plaintiffs

Dated: September 9, 2021

/s/ Julie Straus Harris
Julie Straus Harris
U.S. DEPARTMENT OF JUSTICE
Attorney for Defendants

LOCAL RULE 5-1(i) ATTESTATION

I attest that I have obtained Julie Straus Harris's concurrence in the filing of this document.

/s/ Brian J. Stretch
Brian J. Stretch

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that this case shall remain stayed, and all proceedings held in abeyance, to allow the defendant Secretary of Homeland Security to either publish in the Federal Register a notice of proposed rulemaking regarding a proposed new fee rule or advising plaintiffs that defendants have determined not to propose a new fee rule. Further, by the earlier of January 14, 2022, or within two weeks of the defendants' publication of an NPRM or notification to plaintiffs that no proposal will be forthcoming, the parties shall file a joint status report indicating whether this case and all proceedings should continue to be held in abeyance or proposing a schedule for continuing the litigation.

Date: _____

HONORABLE JEFFREY S. WHITE
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of September 2021, I caused the foregoing document to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of the filing to all attorneys of record in this case.

/s/ Brian J. Stretch
Brian J. Stretch